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OFFICE OF PETITIONS

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PATENT

Docket No.: P-8640.02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bertrand et al.
Application No.: 09/745,108
Filed: December 20, 2000
For: Tool For Adjusting An Implantable Adjustable Fluid flow Control Valve

Group Art Unit: 3763
Examiner: J. Thissell

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Attn: Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office at 703-308-6916 on May 20, 2004.


Jodi Nickel

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Attn: Office of Petitions
Box DAC
Assistant Commissioner for Patents
Washington D.C. 20231

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$1,330 (37 CFR 1.17(m))

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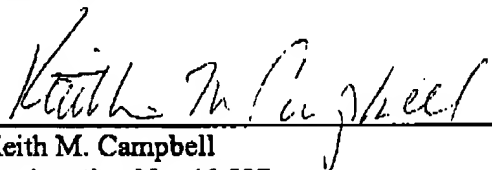
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Application No.: 09/745,108
Docket No.: P-8640.02US

2. Reply and/or fee
- A. The reply and/or fee to the above-noted Office Action in the form of _____
(identify type of reply):
☐ has been filed previously on _____.
☒ is enclosed herewith.
- B. The issue fee of \$ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].
5. A power of attorney is also enclosed.
- ☒ The Commissioner is authorized to charge \$1,330 for the Petition Fee and \$0- for the Terminal Disclaimer Fee, and 180.00 for 10 additional dependent claims and \$516.00 for 6 additional independent claims for a total of \$2026.00, to Deposit Account No. 13-2546. A duplicate copy of this Petition is enclosed.
- ☒ The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this Petition for Revival to Deposit Account No. 13-2546. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

Date: May 24, 2004



Keith M. Campbell
Registration No. 46,597
MEDTRONIC, INC.
710 Medtronic Parkway NE, MS: LC340
Minneapolis, MN 55432-5604
Telephone: 763-505-0405
Facsimile: 763-505-0411
Customer No. 27581